

1 All counsel listed on signature page.

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3 **UNITED STATES DISTRICT COURT**
4 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
5 **OAKLAND DIVISION**

6 BRANDYWINE COMMUNICATIONS
7 TECHNOLOGIES, LLC,

8 Plaintiff,

9 v.

10 AT&T CORP. and
11 SBC Internet Services, Inc.

12 Defendants.

Case Number: C 12-02494 CW

~~PROPOSED~~ ORDER REGARDING
REMOTE ACCESS TO
CONFIDENTIAL MATERIALS BY
DR. NICHOLAS BURD

13 Pursuant to the Court's Order dated December 20, 2013, the Plaintiff Brandywine
14 Communications Technologies LLC ("Plaintiff" or "Brandywine") and Defendants AT&T Corp.
15 and SBC Internet Services, Inc. (jointly "Defendants"), hereby stipulate to and respectfully petition
16 the Court to enter the following Protocol:

17 1. To the extent Plaintiff's expert, Dr. Nicholas Burd, wishes to access materials
18 designated by Defendants as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL OUTSIDE
19 COUNSEL ONLY" ("the Documents") outside the United States, Dr. Burd may do so only using a
20 secure portal established using Relativity® software provided by kCura.

21 2. The Relativity database on which the Documents are hosted ("Relativity Database")
22 shall physically reside in the United States.

23 3. The Relativity Database shall be maintained by either Plaintiff or Defendants, and
24 not by Dr. Burd.

25 4. The Relativity Database shall be configured by the host such that Dr. Burd is not
26 physically able to download, print, copy, or otherwise save the documents outside the United
27 States. Dr. Burd's access shall be limited such that he is only able to view the documents on a
28 screen, without creating a copy of any kind of all or part of the documents, in hard or soft copy.

5. The Relativity Database shall be configured so as not to cause the copying or storing of any copies of the Documents on any computers outside of the United States, accidentally or otherwise.

6. Subject to the restrictions in Paragraphs 4 and 5, the Relativity Database shall be configured to provide all standard document review features of that system, including for example text searching. If hosted by Defendants, Defendants' counsel shall provide contact information for technical support to Plaintiff's counsel and Dr. Burd.

7. Before accessing any Documents as described above, Dr. Burd shall agree in writing that (a) he is bound by the protective order in this matter and (b) he submits to the personal jurisdiction and venue of this Court for all matters arising out of the protective order and this Order.

8. The provisions of the protective order in this matter shall otherwise remain in full force and effect.

Respectfully submitted,

FARNEY DANIELS PC

DATED: December 23, 2013

By: /s/ Timothy Devlin

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Attorneys for Defendants

AT&T CORP. and SBC INTERNET SERVICES, INC.

SO ORDERED.

Dated: 12/27/2013



UNITED STATES DISTRICT COURT JUDGE

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